Convention on the Rights of the Child

Distr.: General
25 October 2017

Original: English

Committee on the Rights of the Child

Concluding observations on the report submitted by Guinea under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Guinea (CRC/C/OPAC/GIN/1) at its 2242nd meeting (see CRC/C/SR.2242), held on 25 September 2017, and adopted the present concluding observations at its 2251st meeting (see CRC/C/SR.2251), held on 29 September 2017.

2. The Committee welcomes the submission of the State party report and the written replies to the list of issues (CRC/C/OPAC/GIN/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the second periodic report submitted by the State party under the Convention (CRC/C/GIN/CO/2), adopted on 13 June 2013, and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GIN/CO/1), adopted on 29 September 2017.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 16 November 2011.

5. The Committee welcomes the declaration by the State party upon ratification of the Optional Protocol that the minimum age for voluntary recruitment into the armed forces is 18 years.

6. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular the adoption of:

(a) The national policy for the promotion and protection of the rights and welfare of the child in Guinea in 2015 and its first three-year plan for the period 2017-2019 in 2016;

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

Please recycle

(b) The General Military Personnel Regulations Act, defining the minimum age for recruitment into the Guinean armed forces in 2012;

(c) The Code of Military Justice, establishing extraterritorial jurisdiction for violations of international humanitarian law in 2012.

III. General measures of implementation

A. Coordination

7. The Committee notes with concern that the Guinean Committee for Follow-up on the Protection of the Rights of the Child, in charge of monitoring the implementation of international conventions relating to children's rights at the national level, does not have the necessary human, technical and financial resources to ensure coordination between the different institutions, divisions and subdivisions involved in the implementation and evaluation of policies, and that the restructuring it is undergoing is impairing its efficiency in terms of coordination at the central level, in particular in the areas covered by the Optional Protocol. It is also concerned at reports indicating that the unit for the advancement and protection of children in the Guinean armed forces is no longer functional, as this could impede effective collaboration between civil and military entities for the implementation of the provisions of the Optional Protocol.

8. **The Committee recommends that the State party:**

(a) **Take appropriate measures to guarantee that the Committee for Follow-up on the Protection of the Rights of the Child ensure the coordination of the implementation of children's rights and the provisions of the Optional Protocol, and clearly define the corresponding responsibilities of all the other actors concerned;**

(b) **Accelerate the restructuring of the Committee for Follow-up on the Protection of the Rights of the Child and provide it with the necessary human, technical and financial resources to effectively ensure the coordination, monitoring and evaluation of the actions carried out to implement the provisions of the Optional Protocol in different sectors and at all levels;**

(c) **Strengthen the collaboration between the Committee for Follow-up on the Protection of the Rights of the Child and all other institutions, divisions and units involved in the implementation of the Convention and its Optional Protocols;**

(d) **Take appropriate measures to ensure that the unit for the advancement and protection of children in the Guinean armed forces is fully functional and ensure that there is collaboration between the civil and military entities for the implementation of children's rights and the provisions of the Optional Protocol.**

B. Independent monitoring

9. The Committee takes note of the establishment of the independent national human rights institution. It is, however, concerned at the insufficient human, technical and financial resources available for this institution, preventing it from carrying out its mandate to evaluate the progress made in the realization of the rights set forth in the Optional Protocol and to receive and address complaints from children.

10. **The Committee recalls its concluding observations under the Convention and urges the State party to:**

(a) **Provide the independent national human rights institution with the necessary human, technical and financial resources to carry out its mandate;**

(b) **Strengthen the institution to allow for effective monitoring of the progress made in the realization of the rights set forth in the Optional Protocol and to address complaints from children;**

(c) **Continue seeking technical assistance from the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, among others.**

C. Dissemination and awareness-raising

11. The Committee is concerned at the inadequate efforts to provide comprehensive awareness-raising programmes with regard to the provisions of the Optional Protocol, including in higher education, and, in particular, addressing parents, adolescents and children in the neighbourhoods of Conakry that are affected by the activities of non-State armed groups.

12. **With reference to article 6 (2) of the Optional Protocol, the Committee recommends that the State party ensure wide dissemination of the principles and provisions of the Optional Protocol to the general public, including through higher education and specialized awareness-raising among parents, adolescents and children in the neighbourhoods of Conakry that are affected by the activities of non-State armed groups.**

D. Training

13. The Committee welcomes the integration of human rights into the initial training of the armed forces and that the policy for the promotion and protection of the rights and welfare of the child in Guinea provides for the training of relevant professional groups on tools, norms and standards for the protection of the rights of the child. However, the Committee is concerned that:

(a) Not all relevant professional categories, such as lawyers, magistrates and Guinean nationals participating in humanitarian missions abroad, receive appropriate training on the provisions of the Optional Protocol;

(b) The policy for the promotion and protection of the rights and welfare of the child, as a strategic instrument for the prevention of the recruitment of children into armed groups and the armed forces, receives only ad hoc financial support from the State party and limited attention from civil society.

14. **The Committee recommends that the State party:**

(a) **Expand the integration of the provisions of the Optional Protocol to the training of all relevant professionals;**

(b) **Strengthen collaboration with civil society and ensure the availability of adequate human, technical and financial resources for the prevention of the recruitment of children into armed groups or the armed forces through the policy for the promotion and protection of the rights and welfare of the child.**

E. Data

15. The Committee is concerned about the absence of data on migrant, refugee and asylum-seeking children, including unaccompanied or separated children, who enter the State party and may have been recruited or used in hostilities abroad.

16. **The Committee recommends that the State party:**

(a) **Establish a mechanism allowing the registration of all children asylum seekers or refugees placed under its jurisdiction;**

(b) **With reference to its concluding observations under the Convention, set up a national system collecting data, disaggregated by sex, age, nationality and ethnic origin, concerning, among others, asylum-seeking and migrant children, including unaccompanied children, who enter the State party and may have been recruited or used in hostilities abroad.**

IV. Prevention

A. Age verification procedures

17. The Committee notes that, under the Military Personnel Regulations Act, children under 18 years of age are not eligible to join the army. Although welcoming the initiative to modernize the civil registry system, it is concerned at the slow progress in the digitalization of archives and identity records, at the low rates of birth registration, particularly in rural areas, and at the falsification of birth certificates. It is further concerned that, consequently, age verification of army recruits is not reliable.

18. **The Committee, recalling its previous recommendation made under the Convention, recommends that the State party continue and strengthen its efforts, particularly in the rural areas, to digitalize its civil registry system and reach universal birth registration, ensuring the identification of children. The Committee further recommends that the State party issue guidelines on verifying the age of candidates for the army and instruct army recruiters that, where an individual's age is in doubt, that person should not be recruited.**

B. Military schools

19. The Committee is concerned at the information provided during the dialogue that the State party is unaware of the curricula used in military schools in neighbouring countries to which Guinean children are sent, on the rules and disciplinary regulations applied and whether those students have civilian status.

20. **The Committee recommends that the State party ensure that Guinean children are only placed in military schools of neighbouring countries with curricula and disciplinary rules that are compliant with the provisions of the Optional Protocol.**

V. Prohibition and related matters

A. Criminal legislation and regulations in force

21. The Committee takes note of the ongoing revision of the Guinean Children's Code with a view to fully integrating the provisions of the Optional Protocol into national legislation. The Committee is, however, concerned that:

(a) The recruitment of children by the armed forces, non-State armed groups and private military and security companies, and complicity in offences under the Optional Protocol have not been explicitly criminalized;

(b) The Guinean Children's Code does not provide for penalties that are commensurate with the severity of the offence of the recruitment of children and the Criminal Procedures Code allows a period of limitations of three years for such offences;

(c) The recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

22. **The Committee recommends that the State party:**

(a) **Explicitly criminalize the recruitment of children under 18 years of age by the armed forces, non-State armed groups and private military and security companies and also criminalize complicity in offences under the Optional Protocol;**

(b) **Introduce sanctions proportionate to the seriousness of this crime and repeal the provisions for limitations applicable to such offences;**

(c) **Define and punish the recruitment of children under the age of 15 as a war crime;**

(d) **Disseminate the new legislation widely and ensure the availability of the necessary human, technical and financial resources for its implementation.**

B. Extraterritorial jurisdiction

23. The Committee is concerned that extraterritorial jurisdiction is applicable to members of the armed forces only.

24. **The Committee recommends that the State party establish and practice extraterritorial jurisdiction over acts prohibited by the Optional Protocol, including conscripting or enlisting children into the armed forces or armed groups, or using them to participate actively in hostilities, if those offences are committed by or against a Guinean national, or a person who maintains a close link with the State party, whether that person is a member of the armed forces or not.**

C. Control of weapons

25. The Committee takes note of the existence of the National Committee for the fight against the proliferation of small arms and light weapons. It notes however with concern that the Weapons, Ammunition, Gunpowder and Explosives Act of 1996 does not expressly prohibit the acquisition or use of firearms by children. It is also concerned at the number of small arms and light weapons remaining in the possession of civilians, which continue to pose a threat to the safety of children.

26. **The Committee recommends that the State party:**

(a) **Urgently adopt a new law on firearms, expressly prohibiting the acquisition, possession or use of firearms by children;**

(b) **Take additional measures to prevent children and adolescents from gaining access to firearms and recover those illegally possessed.**

VI. Protection, recovery and reintegration

A. Measures adopted to protect the rights of child victims

27. The Committee is concerned at the insufficient protection of children who have committed offences when associated with the armed forces and non-State armed groups, either in times of peace or of conflict, and at the lack of corresponding procedures.

28. **The Committee recalls its previous concluding observations under the Convention (CRC/C/GIN/CO/2, para. 87), and recommends that the State party:**

(a) **Revise the Code of Military Justice to ensure that children associated with the armed forces and armed groups are treated as victims and witnesses;**

(b) **Ensure that all children victims and/or witnesses of crimes are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.**

B. Demobilization and reintegration

29. The Committee notes the support granted to some of the children reportedly engaged in the conflicts of 2001-2002 and 2009 for their demobilization and social and professional reintegration. The Committee however regrets:

(a) The absence of a comprehensive policy for the reintegration of children affected by conflict and the limited coverage of reintegration projects;

(b) The lack of systematic intervention through the Guinean child protection system for the demobilization and social and professional reintegration of children who have been recruited or used in hostilities;

(c) The restricted functioning of the child protection system in identifying children at risk, owing to a lack of human, technical and financial resources allocated to its national and prefectural representations.

30. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive policy for the physical and psychological recovery and the social reintegration of all affected children, and allocate the necessary human, technical and financial resources for the implementation of the policy;**

(b) **Strengthen the structures of the child protection system to incorporate specialized services, allowing children who have been recruited or used in hostilities to receive appropriate assistance with a view to their physical and psychological rehabilitation and their social and professional reintegration, and allocate the necessary human, technical and financial resources to make these structures functional;**

(c) **Ensure the presence and the optimal operation of the national and prefectural structures of the child protection system in the entire territory of the State party and allocate the necessary human, technical and financial resources to allow for the efficient and effective identification of child refugees, asylum seekers or migrants, including of unaccompanied children who enter the State party and may have been recruited or used in hostilities abroad.**

VII. International assistance and cooperation

31. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund and other United Nations entities in the implementation of the Optional Protocol.**

VIII. Ratification of the Optional Protocol on a communications procedure

32. **The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.**

IX. Implementation and reporting

A. Follow-up and dissemination

33. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the parliament, the departments concerned, including the Department of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.**

34. **The Committee recommends that the report of the State party, the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the media, to the general public, civil society organizations, youth movements, professional groups and children,**

in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

B. Next periodic report

35. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**